

INTERVIEW SUMMARIES

The undersigned Applicants' representative had telephone interviews with Examiner Steven Pohnert on September 2, 2011 and September 13, 2011, and participated in an on interview on October 19, 2011 among the undersigned Applicants' representative (in-person), Examiner Pohnert (by telephone), and Supervisor Dave Nguyen (in person). Applicant thanks the Examiner and Supervisor for their time and consideration. Brief summaries of those interviews follow:

September 2, 2011

The undersigned Applicants' representative contacted Examiner Pohnert to discuss the Office Action of August 24, 2011. The examiner indicated that an article demonstrating that acellular DNA in the blood of a normal individual is diploid should overcome that issue. Alternatively, undersigned suggested amending the claim to require diploid human control DNA. The examiner suggested that this may address this issue as well. There was further discussion concerning the obviousness of the claims. The examiner suggested limiting the claims to one marker. No agreement on patentability was reached.

September 13, 2011

The undersigned Applicants' representative contacted Examiner Pohnert to discuss the scope of enablement rejection and 103 in the Office Action of August 24, 2011. The examiner agreed that a prior art demonstration that there acellular DNA circulating in the normal control humans may overcome some of the enablement issues. Undersigned further suggested amending the claims to require detection and diagnosis by a set of two markers. The examiner indicated that such an amendment would alter

the scope of the claim and may not be entered after final. No agreement on patentability was reached.

October 19, 2011

The enablement rejection was discussed. It was determined that the applicant's declaration was sufficient to overcome the enablement rejection of control DNA. The 103 rejection was discussed and it was concluded that a subject with no LOH could be construed to encompass a healthy human subject and thus a subject with metastatic melanoma would be expected to have a worse prognosis than a healthy subject. The undersigned suggested amending the claims to indicate a subject with a LOH should be compared to a metastatic melanoma without a LOH. The examiner indicated this may require further search and consideration, but that the amendment should overcome the rejection.